

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 AF-10 ARA-06 EA-07 EUR-12 NEA-10
EB-07 DOTE-00 SY-05 USSS-00 MCT-01 FAA-00 CIAE-00
DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 USIA-06 /117 W
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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 3688

C O N F I D E N T I A L USUN 1594

E.O. 11652: GDS

TAGS: PFOR, UN, GW

SUBJ: FRG HOSTAGES ITEM

1. MISSION HAS REVIEWED THE FRG DRAFT CONVENTION AND
CONSIDERS IT GENERALLY ALONG THE RIGHT LINES.

2. THE PREAMBLE SEEMS HARMLESS AND PERHAPS RELATIVELY NON-
CONTROVERSIAL SINCE IT IS TAKEN FROM A GA RESOLUTION WHICH
WAS ADOPTED WITHOUT OBJECTION.

3. ARTICLE 1 SEEMS TO US A REASONABLE ATTEMPT TO "DEFINE" THE
SCOPE OF THE PROPOSED CONVENTION THOUGH THERE MAY BE SOME
DIFFICULTY FROM OTHERS OVER THE INCLUSION OF NON-GOVERNMENTAL
ENTITIES. THERE MAY ALSO BE SOME DIFFICULTY RAISED BY OTHERS
OVER THE INCLUSION IN THE ARTICLE OF ACTS WHICH HAVE NO
TRANSNATIONAL CONSEQUENCES. THE INHERENTLY TRANSNATIONAL
POTENTIAL OF CIVIL AVIATION AND CHARACTER OF DIPLOMATS AVOIDED
THIS BECOMING A PROBLEM IN THE OFTEN RELEVANT CONVENTIONS.
THE ACTUAL DRAFTING OF THE ARTICLE SEEMS INELEGANT AND WE
SHOULD ASK THE FRG WHY THEY DID NOT FOLLOW THE STANDARD
"ANY PERSON WHO...COMMITTS AN OFFENSE" FORMAT.

4. ARTICLE 2 SEEMS GENERALLY ACCEPTABLE BUT PARAGRAPH 2
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IS EITHER UNNECESSARY OR MAY NEED AMENDING TO COVER NON-
NATIONALS WHO HAVE NO DESIRE TO LEAVE.

5. THE INCLUSION OF "INCITEMENT" IN ARTICLE 3 MAY RAISE
FREEDOM OF SPEECH PROBLEMS AND ACCESSORY OF COMPLICITY WOULD
SEEM MORE FELICITOUS APPROACHES TO THE PROBLEM.

6. ARTICLE 4 SHOULD BE SLIGHTLY EXPANDED TO TRACK WITH THE PROTECTION OF DIPLOMATS CONVENTION.

7. ARTICLES 5 THROUGH 9 SEEM TO RAISE NO PROBLEMS. WE ARE NOT CERTAIN ARTICLE 10 IS NECESSARY OR DESIRABLE AND WOULD WISH TO QUERY THE FRG AS TO WHY THIS SEEMED NECESSARY TO THEM.

8. WE MAY WISH AFTER FURTHER CONSIDERATION TO SUGGEST SOME SLIGHT TECHNICAL CHANGES IN ARTICLE 11 WHICH IS GENERALLY ACCEPTABLE.

9. MISOFF DISCUSSED GENERAL FRG INTENTIONS REGARDING THIS CONVENTION IN VIENNA WITH LEGAL ADVISOR TO FRG FONMIN FLEISCHAUER. LATTER SAID THEY WOULD SHORTLY BE DISTRIBUTING TEXT TO FRIENDS. ONCE THEY HAD AGREED TEXT AMONG FRIENDS, THE PLANNED TO LOBBY REMAINING MEMBERS OF COMMITTEE IN CAPITALS.

10. WE BELIEVE FRG EFFORT IS LAUDABLE AND ONE WE SHOULD CONTINUE TO SUPPORT. WE SHOULD SUPPORT WITHOUT GETTING OUT IN FRONT. WE SHOULD ALSO BEAR IN MIND THAT IT IS DIFFICULT TO BE SANGUINE ABOUT THE CHANCES OF OBTAINING COMMITTEE, MUCH LESS GA, ENDORSEMENT OF A DRAFT WHICH DOES NOT CONTAIN AN EXCEPTION WHICH WOULD VITIATE THE ENTIRE EXERCISE.
LEONARD

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